

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
SAMUEL ROY ABRAM,)	
)	
Plaintiff,)	
)	Civil Action No. 16-12271-LTS
v.)	
)	
FIDELITY INVESTMENTS,)	
)	
Defendant.)	
_____)	

ORDER

November 17, 2016

SOROKIN, D.J.

For the reasons stated below, the Court directs the plaintiff to pay the \$400 filing fee.

On November 10, 2016, Samuel Roy Abram, who is incarcerated at USP Pollock in Pollock, Louisiana, filed a “Bill in Equity” against Fidelity Investments. In this pleading, Abram calls for an accounting and liquidation of the assets that are in his name and held by the defendant. Abram has not paid the \$400 filing fee (which includes a \$50 administrative fee) or filed a motion for leave to proceed without prepayment of the filing fee.

Under the Prison Litigation Reform Act, a prisoner generally cannot proceed in forma pauperis if he has, on three or more prior occasions, filed an action or appeal that was dismissed on the ground that it was frivolous, was malicious, or failed to state a claim upon which relief may be granted. See 28 U.S.C. § 1915(g). Where a prisoner has “three strikes,” he may only proceed in forma pauperis if he is “under imminent danger of serious physical injury” in regards to the misconduct alleged in the complaint. Id.; see also Pettus v. Morgenthau, 554 F.3d 293,

297 (2d Cir. 2009) (holding that “there must be a nexus between the imminent danger a three-strikes prisoner alleges to obtain IFP status and the legal claims asserted in his complaint”).

Abram has, while a prisoner, filed three or more cases in federal district courts that have been dismissed as malicious or frivolous or for failure to state a claim upon which relief may be granted. See Abram v. Melton, C. A. No. 1:16-00878 (W.D. La.); Abram v. Lew, C.A. No. 3:15-00309 (N.D. Fla.); Abram v. Marsh, C.A. No. 3:15-00107 (N.D. Fla. 2015); Abram v. Marsh, C.A. No. 3:14-00164 (N.D. Fla.). Because Abram has incurred three or more “strikes” and does not allege any facts suggesting that he is “under imminent danger of serious physical injury,” he cannot prosecute this action unless he pays the \$400 filing fee.

Accordingly, if Abram wishes to pursue this action, he must, within 35 days of the date of this order, pay the \$400 filing fee. Failure to do so will result in dismissal of this action without prejudice.

SO ORDERED.

/s/ Leo T. Sorokin
Leo T. Sorokin
United States District Judge